

Water Right Number 1185-1

1. Considered MARCH 28, 1979
2. Name of Applicant FRED D. BIRBY
3. Post Office Address SPEARFISH, SD 2/3/10/11-7-1
4. Amount of water claimed .38
5. Source of water supply 1440' WELL - EXISTING UNDER 1009-1
6. Water to be used for IRRIGATION & FISH CULTURE
- Acres to be irrigated 26.82
7. Water to be diverted and used in LAWRENCE BUTTE County
about 6N, 5 Miles WEST of SPEARFISH
8. Proof of Publication Received 3-9-79
Not received _____
Approved 3-27-79
Subject to _____
Not approved _____
Action deferred _____
9. Application

10. Remarks:

Map No. 995-1 Water Division No. 1 BELLE FOURCHE RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant Frank D. Brady
Postoffice address 1744 Dimes Ave, Spearfish, South Dakota
If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor

3. Name of diversion work Frank Brady Irrigation Project #3

4. Amount of water claimed (cubic feet per second) 1.38 cfs at 1/5 sec

5. Source of water supply Well from Irrigation Project #1

6. Location of point of diversion 1750' South of 1020' East of NW Cor. Sec 1
T 7N, R 1E, B 1W County BUTTE

7. Annual period or periods during which water is to be used April thru Sept for irrigation - other uses may be periodic throughout year

8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) pasture, trees & fish culture

9. For irrigation use 1750' Total number of acres to be irrigated 36.82 incl fish culture

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>SW 1/4 Sec 2</u>	<u>1.03</u>	<u>(Fish Culture) SW 1/4 Sec 2</u>	<u>1.80</u>
<u>SE 1/4 SE 1/4 Sec 3</u>	<u>.29</u>	<u>" SE 1/4 SE 1/4 Sec 3</u>	<u>.40</u>
<u>NE 1/4 NE 1/4 Sec 10</u>	<u>16.46</u>	<u>" NE 1/4 NE 1/4 Sec 10</u>	<u>3.10</u>
<u>NW 1/4 NW 1/4 Sec 1</u>	<u>4.74</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 1/2 years. Additional time required to complete application of water to the proposed beneficial use 1 1/2 years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Green Claydon - Spearfish

12. Principal Feature of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

2087 feet 6" Class 150 P.V.C. with valves of cattle bars
1170' of open ditch

B. Works proposed to transport water to place of use.

Dams & Underdrains (refer to map)

C. Works proposed to apply water to beneficial use.

600 feet - 6" Sprinkler irrigation 3000' Trunk with centrifugal pump
600 feet - 4" " " " " " " Estimated Total Cost \$ 52000.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.
(See instructions concerning preparation)

STATE OF SOUTH DAKOTA

County of Butte

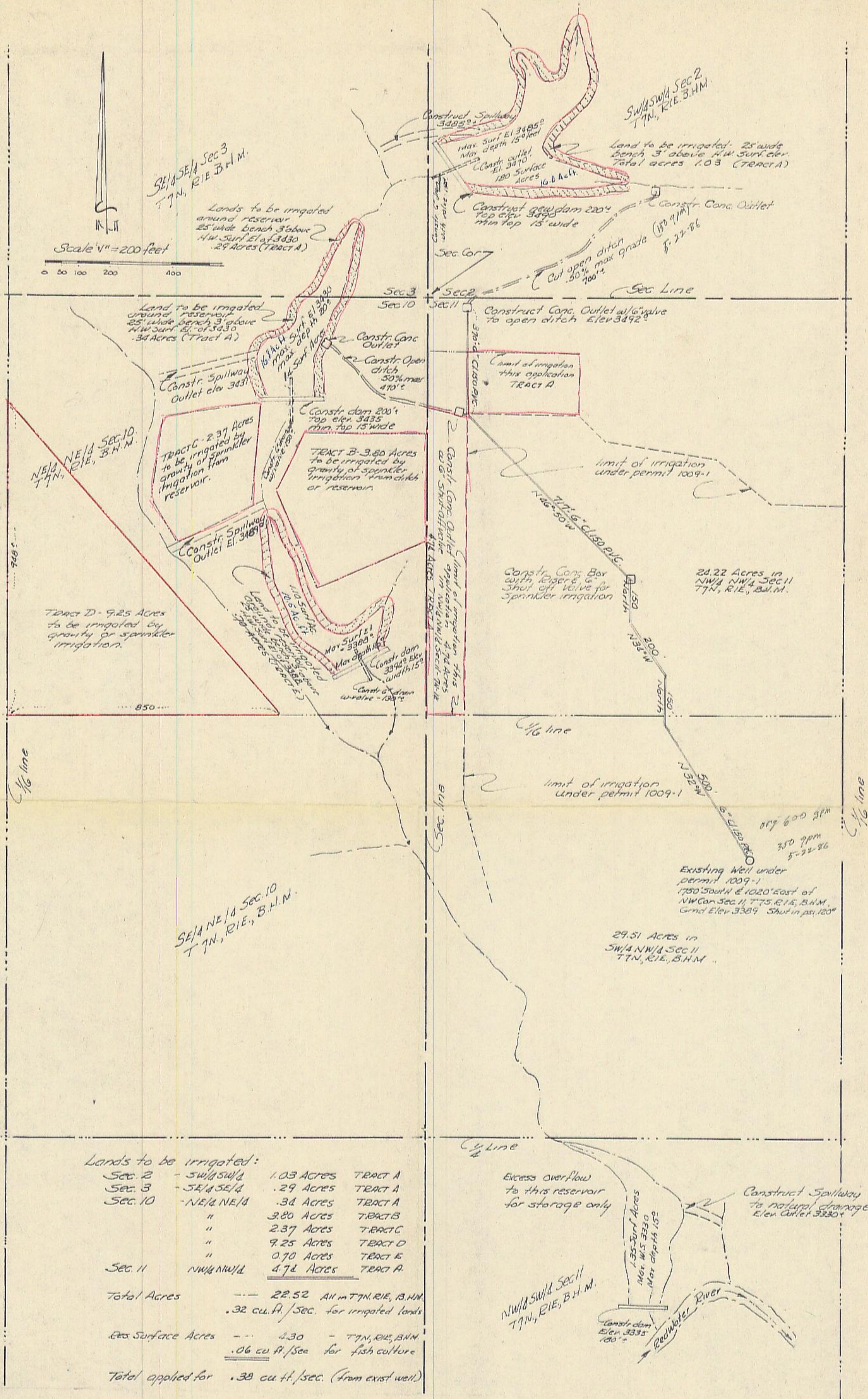
I, Frank D. Brady the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Frank D. Brady
day of January 1979

Subscribed and sworn to before me this 12th day of January 1979

Don Westrick
Notary Public (or other qualified officer)

Water Rights Specialist - T.



Surveyor's Certificate:

I, Fred D. Brady, Registered Professional Engineer & Land Surveyor do hereby certify that from aerial & ground surveys, I have prepared the proposed irrigation projects as shown hereon.

Acknowledgment of Surveyor

Lawrence County, S. Dak.

Be it remembered, that on this ___ day of January, 1979, before me, a notary public, personally appeared Fred D. Brady, known to me to be the person described in & who executed the foregoing Surveyors Certificate.

My Commission Expires: 15 January 1983

Notary Public

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1185-1

FRED D. BRADY
(Applicant)

1214 AMES AVE. SPEARFISH
(Post Office Address)

SOUTH DAKOTA 57783
(State)

With the following modifications.

This well must be valved and the flow reduced to a minimum when not being used. This well is to be in an artesian basin having limited supplies, and restrictions as to flow may be made by the Commission to protect prior water rights. If at any time this permit is cancelled, or the well abandoned, the well must be plugged to the satisfaction of the commission. This permit does not authorize pumping from the well, except with a suction type pump.

Date of first receipt of application JANUARY 18 19 79

Date of return to applicant for correction, amendments or changes required WA 19 79

Date of receipt of corrected application FEBRUARY 12 19 79

Approved MARCH 29 19 79 Recorded in Book 20 Page 188

WATER RIGHT PERMIT NO. 1185-1

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1185-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JANUARY 18 19 79

2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JUNE 29 19 80

3. The whole of said work is to be completed on or before SEPTEMBER 29 19 81

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 29 19 82

5. The water appropriated shall be used for the purpose of IRRIGATION - FISH CULTURE & COMMERCIAL - RECREATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed .38 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

actually and beneficially applied for irrigation on or before SEPTEMBER 29 19 82; said water to be used during the following described annual period: IRRIGATION - APRIL THRU SEPTEMBER - OTHER USES TO BE PERIODIC THROUGHOUT THE YEAR

Witness my hand this 2ND day of APRIL 19 79

WATER RIGHTS COMMISSION

By:

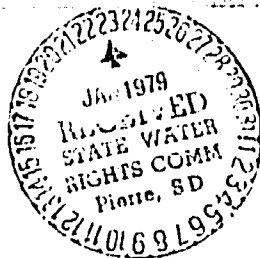
John H. Hall
Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

JOHN PAUL GRIES

Consulting Geologist
290 ST. CHARLES STREET
RAPID CITY, SOUTH DAKOTA



Fred Brady Well

Sec. 11, T. 7 N., R. 1 E., Butte Co.

Drilled September 1977 by Bice and Taylor, Randy Taylor, driller.

Elevation 3389 (Brady) Total Depth 1440 feet

Drillers log, upper portion of hole:

- 0 - 730 Spearfish redbeds
- 773 Minnekahta limestone, small flow at 768 feet
- 866 Opecha red shale
- Minnelusa
- 866- 872 hard cap rock
- 882 soft gray sand, caving or running-traces dead oil
- 895 sandstone, fairly hard but fractured
- 915 sand, soft gray

Sample log, samples start at 730 feet

- 730 - 740 anhydrite, medium crystalline, light pink to brown
- 760 limestone, finely crystalline, dense to translucent, light brown
- 780 limestone, very finely crystalline, light gray brown to pink
- 800 shale, dense, red-brown, streaks anhydrite & satinspar gypsum
- 860 shale, dense, red-brown to orange-brown
- 1000 flow, samples all loose sand, gray, very fine
- 20 anhydrite, pure to sand/, light gray to white
- 35 dolomite, gray to pink, 2/3; anhydrite, 1/3
- 45 dolomite, finely crystalline, gray; shale, dolomitic, dark red
- 80 anhydrite, medium to coarsely crystalline, white; trace dolomite
- 1100 no sample
- 20 dolomite, finely crystalline, gray, red, green, some argillaceous
- 40 dolomite, same, 2/3; sandstone, fine, very anhydritic to porous
- 60 trace of dolomite, sample mostly Spearfish coming past lead packer
- 80 sandstone, fine, friable, drills free
- 1200 sand, as above, 1/2; anhydrite, 1/4; dolomite, 1/4
- 20 sand, fine, free to very anhydritic (driller logs pink sand 1210-1225)
- 40 dolomite, very finely crystalline, lavender to gray, greenish, trace dolomitic shale
- 60 dolomite, same, 3/4; sand, old or new?, 1/4
- 80 dolomite, very finely crystalline, pink
- 1300 dolomite, very finely crystalline, gray-brown to reddish, 80%; red and green shale, 20%
- 20 sand, fine, uniform, free
- 40 dolomite, finely crystalline, light brown to pink, 1/2; dolomite earthy with green flecks, 50%
- 60 dolomite, same and some new white fine to medium crystalline dolomite; trace bright green shale

Brady - 2 -

- 1300 - 140 dolomite, finely crystalline, light pink
 - 90 dolomite, finely crystalline, pink to white, some bright green shale, some fine white sandstone
 - 1400 dolomite, same, and some new dolomite, fine to medium crystalline, white, slightly porous
 - 20 dolomite, very finely crystalline, very light gray
 - 40 dolomite, medium crystalline, white, and new sandy dolomite and shale, calcite crystals from cave.
- Large flow started at 1426, call it top of Madison. Bit dropped 1437-39, cave opening.

4 1/2 inch rise in vertical 8-inch pipe = 710 gpm

reported shut-in pressure 118 psi

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter 7", Depth 1400
 (2) Casing, Type Steel, Diameter 8 1/2", Thickness 5/16"
 (wood, concrete, steel, etc)
 (3) Perforated Screen.
 Type _____, Diameter _____, Length _____
 (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material 1420

Depth to bottom of water bearing material unknown

Thickness of water bearing material unknown

Depth to water (ground surface to water level) Flowing

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property 80 rds. On property owned by others 160 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The

location of each water storage dam should be shown on the water right map.

	Height	Max depth	Surface area	Storage
SW 1/4 Sec 25	20	15	1.80	16 Ac. ft
NE 1/4 NE 1/4 10-2	25	20	1.90	16.8 "
NE 1/4 NE 1/4 10-3	20	16	1.10	10.5 "

Frank R. Brady
 Signature of Applicant

Water Right Copy -

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

FORM RECEIVED

FEB 05 1979

South Dakota
Division of Conservation

OWNERS NAME.

OWNERS ADDRESS:

COUNTY LAND IS LOCATED IN:

PHONE NUMBER:

TENANT'S NAME AND ADDRESS: (if Other Than Owner)

In accordance with State Law (Section 1, SB-58, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.

This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description To Nearest 10 Acres.) *Sec 24, T4N, R10E*

1. WELL LOCATION OR DIVERSION POINT 1750' South of 1122' East of NW Cor. Sec. 17, T14N R2E
2. SURFACE WATER SOURCE Storage in tank above
3. LOCATION OF AREA TO BE IRRIGATED As shown on attachment
4. INDICATE NON-IRRIGATED AREAS AND (APPRX.) ACRES ON MAP (farmstead, shelterbelt, wetlands, etc.)

TYPE OF IRRIGATION: (Show approximate acres under each type of system)

5. GRAVITY 22.5 TOWLINE CENTER PIVOT GUN

5. OTHER (Specify) Smoking (20%) same as above

6. CROPS TO BE IRRIGATED *see crops above. Trees*

7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT; YEAR OBTAINED 1971

IN WHAT NAME: 242 A. ... 18/04/2015 - 22.10.15 2657 A. ... 18/04/2015 - 22.10.15

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY.)

3. SAMPLE NUMBER: 100-119

9. SALINITY (EC $\times 10^4$)

10. SODIUM (SAR) _____ ADJUSTED (SAR) -2.11

11. RESIDUAL SODIUM CARBONATE (meq/l.) _____

I do hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Battle Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

SUBSCRIBED AND SWORN BEFORE ME THIS

7th DAY OF January, 1977.

(TITLE OR SEAL)

BY COMMISSION EXPIRES 13, AUGUST 1932

APPLICANT'S SIGNATURE

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

I M P O R T A N T

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a Water Right must be obtained from the State Water Rights Commission.

INTERPRETIVE
GROUPING

Brady Irrigation Project #3

LAND USES AND SOILS INFORMATION ON YOUR OPERATING UNIT

NEB

THIS UNIT CONSISTS OF DEEP, GENTLY SLEEPING LOAMY AND SILTY SOILS OF THE HAVERSON AND NEVEE SERIES. THESE SOILS FORMED IN CALCAREOUS LOAMY AND SILTY MATERIAL.

THESE SOILS ARE EASY TO WORK BUT HAVE LOW FERTILITY. AVAILABLE WATER CAPACITY IS MODERATE OR HIGH, AND PERMEABILITY IS MODERATE. EROSION AND SOIL BLOWING ARE HAZARDOUS. THE MOISTURE HOLDING ZONE IS 4 FEET OR MORE. WATER INTAKE IS MODERATE.

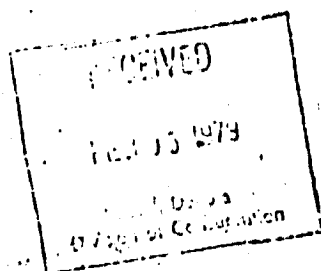
ALFALFA IS THE MAIN CROP, BUT CORN AND SMALL GRAIN ARE ALSO GROWN. CLOSE-SOWN CROPS ARE BETTER SUITED THAN ROW CROPS.

CONTROLLING EROSION AND SOIL BLOWING, MANAGING WATER, AND IMPROVING FERTILITY AND ORGANIC-MATTER CONTENT ARE THE MAIN CONCERNS IN MANAGEMENT. MANAGING CROP RESIDUE, USING CLOSE-GROWING CROPS, AND LIMITING IRRIGATION RUNS TO THOSE RECOMMENDED FOR THESE SOILS HELP CONTROL EROSION. BENCH LEVELING IS A FORM OF LAND LEVELING THAT WORKS WELL ON THESE SOILS AND IMPROVES WATER MANAGEMENT. COMMERCIAL FERTILIZER, ANIMAL MANURE, AND LEGUMES IN THE CROPPING SYSTEM IMPROVE FERTILITY.

*This is from the Butte County
Soil Survey on lands to be irrigated
under Paul Brady irrigation project
#3*

Jan 14/1979.

*Water sample is water from existing
well to be applied to these lands.*



REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57007

Submitted by: Ed. Pratt
 Address: 1211 1st St. S. Brookings, SD 57733

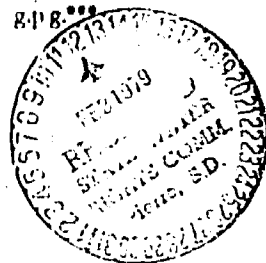
Date Rec'd: Jan 27, 1979
 Sample No.: 20-619
 Identification: 3

WATER ANALYSIS

Calcium (Ca)	87	ppm*	4.10	me/l**
Magnesium (Mg)	26	ppm	2.13	me/l
Sodium (Na)	2	ppm	0.09	me/l
Potassium (K)	1	ppm	0.03	me/l
Sulfate (SO ₄)	11	ppm	2.37	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	3	ppm	0.08	me/l
Bicarbonate (HCO ₃)	261	ppm	4.28	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		
Alkalinity (Methyl Orange)	214	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electric Conductivity	189	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.05	Adjusted SAR	0.11	
Sodium	1.42	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.68			
Others:				

*ppm=parts per million
 **me/l=millequivalents per liter

***g.p.g.=grains per gallon



COMMENTS: Total cations 6.51 me/l
 Total anions 6.73 me/l

RECEIVED FEB 05 1979 South Dakota Water Quality Laboratory

By: Ed. Pratt

Service Performed	Amount Due
Water Quality Analysis	11.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 20-619

Amount Enclosed \$

Signed

INTERPRETIVE
GROUPING

LAND USES AND SOILS INFORMATION ON YOUR OPERATING UNIT

ArB

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ALFALFA IS THE MAIN CROP, BUT CORN AND SMALL GRAIN ARE ALSO GROWN. CLOSE-SOWN CROPS ARE BETTER SUITED THAN ROW CROPS.

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Soil Survey on lands to be irrigated
under the Brady irrigation project
#3*

Jan 17/1979.

*Water sample is for the from existing
well to be applied to these lands*



INTERPRETIVE
GROUPING

LAND USES AND SOILS INFORMATION ON YOUR OPERATING UNIT

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Jan 17, 1979.

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well to be applied to these lands*





121



DATE RECORDED

Water Rights

REC-MGMT/FORM

12/77

d

Approved

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT Fred Brady, Spearfish

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:



RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 116 times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least 116 inches of water.
3. ☐ Yes ☐ No Surface drainage suggested on _____.
4. ☐ Yes ☐ No Subsurface drainage suggested on _____.
5. ☐ Deep tillage (for the purpose of aiding movement of water through dense subsoils).

COMMENTS:

6. ☐ Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application as per application.

GENERAL COMMENTS:

Your soils are irrigable. Excess slopes on portions generally would make the areas non-irrigable.

The benched acreage surrounding the dams would fall within slope limitations. You would probably expect to encounter silt store at approximately 40 inches when the benches are constructed. Backfill with top soil in selected spots may be worthy of consideration.

Without establishment of permanent type vegetation on the larger irrigated plot (2.25 acres) would you encounter any siltation problems in the adjacent pond?

Looks very interesting and would like to see the layout when completed.

Copy to applicant
Copy to Water Rights
Copy on file

No. 1185-1

Publish first publication, on or before March 7, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 23, 1979

Notice is hereby given that Fred O. Brady whose post office

address is Spearfish, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use .38 cubic feet of water per second of time from groundwater (One

existing well) through the Brady Irrigation Project #3, the point(s) of diversion of which is(~~are~~) to be located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 11, Twp. 7N, Range 1E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10 and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11,
all in T7N-R1E and Fish Culture.

This Application No. 1185-1 will be considered by the Water Rights Commission at the Community Room in the City Hall, 222 East Dakota, Pierre, SD upon the 28th day of March, 1979

at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION

Gatty Westlund,
Water Rights Specialist

BW:plh
cc: Fred O. Brady, 1244 Aras, Spearfish, SD 57783

No. 1185-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lawrence) ss.

I, Olin S. Hermann hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Pierre City Mail

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the Pierre

City Mail of Spearfish

County of Lawrence and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

Feb 28, 1979

March 7, 1979

Olin S. Hermann
(Signature)

Landowner
(Title)

March 7, 1979
(Date Signed)

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APPLICATION TO
APPROPRIATE WATER

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Notice is hereby given that Fred D. Brady, whose post office address is Spearfish South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 35 cubic feet of water per second of time from groundwater (one existing well) through the Brady Irrigation Project #3, the point of diversion of which is to be located in the SW 1/4 NW 1/4 of Section 11, Twp. 7N, Range 1E. Said water to be used for the purpose of providing irrigation on portions of the following described land: SW 1/4 SW 1/4, Section 2; SE 1/4 SE 1/4, Section 3; NE 1/4 NE 1/4, Section 10 and NW 1/4 NW 1/4, Section 11, all in T7N-R1E and Fish Culture.

This Application No. 1185-1 will be considered by the Water Rights Commission at the Community Room in the City Hall, 222 East Dakota, Pierre, SD, upon the 28th day of March, 1979, at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION
Betty Westlund
Water Rights Specialist
(9-2tc, 60 lines)



RECEIPT

WATER RIGHTS COMMISSION

No 4 6732

State of South Dakota

PIERRE, January 23, 1979

RECEIVED OF Fred Brady, 1244 Ames, Spearfish SD 57783

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 1165-1 (examination, processing, recording and filing)	150	00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Office
JOHN HATCH RJW



**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1185-1

June 4, 1986

Fred Brady
RR#1, Box 93 A
Spearfish, South Dakota 57783

Dear Mr. Brady:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1185-1 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

DWNR-814 8/83



FRED D. BRADY
1244 AMES AVENUE
SPEARFISH, SD 57783
Box 193A-R.R.1

S.D. Dept. of
Water & Natural Resources

Re: Water Right #1185-1 - Ltr. June 4, 1986
Ltr. Maxine Stirling

In accordance with the above ref.,
I am enclosing my check for \$50.00.

Sincerely,
Fred D. Brady



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

430406

Pierre, June 19, 1982

RECEIVED OF Fred Brady, RR 1, Box 193A, Spearfish, SD 57733

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. 1105-1	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH

Permit No. 1185-1Belle Fourche River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Fred D. BradyRR #1, Box 193 A Spearsfish, S. Dak. 57783 holder ofPermit No. 1185-1 bearing the priority of January 18 1979 authorizingthe diversion of .38 cu. ft. per second of the waters of Well from permit #1009-1
Irrigation, Fish Culture (1009-1 authorizes irrigation of 33.73 acres)
for Commercial, Recreation purposes, in Butte County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

Flowing artesian well with shut-off. 350 gpm
pump. Berkeley Model B32RM, Serial # 7378838
pumps 350 gpm

B. Works used to transport water to place of use:

600 ft 6" Aluminum pipe / sprinklers
600 ft 4" " " "
Ditches

C. Works used to apply water to beneficial use:

sprinklers for Irrigation
3 dams for fish culture. Dams constructed to the same
dimensions as found on Form 2 A and Water Right Map
Dams have draw down tubes with shut-offs.The system is in the following condition Excellent.The point of diversion is located 1750 ft South and 1020 ft East of the
NW corner of section 11, T7N R1EThe works are capable of diverting and conveying to the place of use .78cu. ft. per second of water which is to be used for Irrigation, Fish Culture, Commercial, RecreationWater has been put to beneficial use to the maximum extent as follows: All in T7N R1E
For IrrigationSW 1/4 SW 1/4 Sec. 2 = 1.03 Ac. : For Fish Culture, Pond surface Ac.SE 1/4 SE 1/4 Sec. 3 = 0.29 Ac. : SW 1/4 SW 1/4 Sec. 2 = 1.80 Ac.NE 1/4 NE 1/4 Sec. 10 = 16.46 Ac. : SE 1/4 SE 1/4 Sec. 3 = .40 Ac.NW 1/4 NW 1/4 Sec. 11 = 4.74 Ac. : NE 1/4 NE 1/4 Sec. 17 = 2.10 Ac.comprising a total of 27.82 acres of land and the license should be issued for .38 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: Date May 22, 1986.LeRoy J. McNaught
Signature

State of South Dakota
Water License No. 1185-1

(1) Fred D. Brady
of RR#1, Box 193A, Spearfish, South Dakota 57783
made Application No. 1185-1, January 18, 1979 for a water permit to appropriate
0.38 cubic feet per second of water from groundwater (an existing well-permit No. 1009-1),
Butte County, South Dakota for irrigation, fish culture, commercial & recreational
Permit No. 1185-1, with a priority date of January 18, 1979
was approved March 29, 1979 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before September 29, 1981 and for the application to beneficial use of said
water on or before September 29, 1982.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 0.38 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 1750 ft South and 1020 ft East of the
NW Corner of Section 11, T7N, R1E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, for irrigation and fish culture on the following lands all in T2N-R1E

For Irrigation		For Fish Culture	Pond Surface Acres
Section 2	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.03 acres	Section 2	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.80 acres
Section 3	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 0.29 acres	Section 3	SE $\frac{1}{4}$ SE $\frac{1}{4}$.40 acres
Section 10	NE $\frac{1}{4}$ NE $\frac{1}{4}$ 16.46 acres	Section 10	NW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.10 acres
Section 11	NW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.74 acres		
TOTAL	22.52 ACRES	IRRIGATED	

(4) Pursuant to §46-5-30.1 Fred D. Brady
of RR#1, Box 193 A, Spearfish, South Dakota 57783
the holder(s) and/or owner(s) of Water Permit No. 1185-1 is issued a license to appropriate water, the right to use 0.38 cubic feet per second of water from groundwater (one well) with a priority date of January 18, 1979 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation, fish culture, commercial and recreational use
This license is subject to any limitations or qualifications listed in Water Permit No. 1185-1 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

JUN 22 1986



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 1185-1

July 23, 1986

Fred Brady
RR 1, Box 193 A
Spearfish, South Dakota 57783

Dear Mr. Brady:

Enclosed herewith is, Water License No. 1185-1. This is the final water right document completing your process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: MS

Enclosures

WHR-317 3/83
Transmittal of Water License

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

December 19, 1989

1009-1
1010-1
1185-1

Donald & Ann Brady
1118 Indian Hills
Gillette, WY 82716

Dear Mr. & Mrs. Brady:

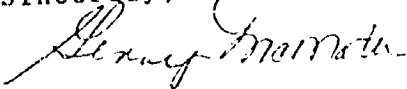
Enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Right Nos. 1009-1, 1010-1 and 1185-1. These forms are being sent to you in response to the 1989 irrigation questionnaires.

Please check over the forms and sign in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$7.50).

South Dakota Water Law 45-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP



No. 1185-1

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: January 1, 1990

I/We request that Water Permit/Right No. 1185-1

formerly owned by: Fred Brady

be transferred to: (name & address) Donald F. Brady & Ann J. Brady, 1118 Indian Hills Drive,
Gillette, Wyoming 82716 (telephone No.) 307-686-2034

Title to the following described land(s)/property has been transferred as described above:
22.52 acres - SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 2; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 3; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 10; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 11;
all in T7N, R1E (for irrigation and fish culture purposes)

I/We understand that the validity of Water Permit/Right No. 1185-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

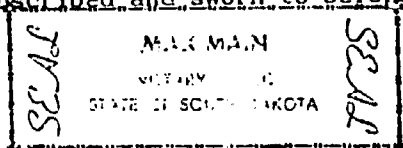
STATE OF SOUTH DAKOTA)

County of Butte)

I/We Donald F. Brady and Ann J. Brady being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Donald F. Brady, Donald F. Brady
(Signed)

Subscribed and sworn to before me this 1st day of January, 1990.



Mark Main
(Notary Public)

My Comm. Exps: May 15, 1994

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

412023

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, January 10, 19 90

RECEIVED OF Donald & Ann Brady 1110 Indian Hills Dr., Gillette WY 82716

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		2 50
Fee for Filing Transfer Form _____ Water Permit No. 1135-1		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 16, 1990

1135-1
1009-1
1010-1

Donald F & Ann J Brady
1118 Indian Hills Drive
Gillette WY 82716

Dear Mr. & Mrs. Brady:

Enclosed are receipts in the amount of \$2.50 each which you paid for transfer of Water Permit Nos. 1185-1, 1009-1 and 1010-1.

Our records now show you as the owners of these Water Permits.

Sincerely,

KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosures



 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

1185-1

October 17, 1990

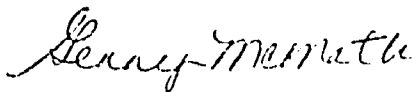
Don & Ann Brady
1118 Indian Hills
Gillette, WY 82716

Dear Mr. & Mrs. Brady:

Enclosed, as you requested, are copies of Water Right Nos. 1009-1, 1010-1 and 1185-1. I was unable to locate the maps that pertain to each water right. However, the legal descriptions on the licenses should aide you in completing the irrigation questionnaires.

If you have any questions, or need assistance in completing the forms, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



1185-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

October 26, 1998

1009-1

1010-1

1185-1

Donald F & Ann J Brady
PO Box 250
Beulah, WY 82712-0250

Dear Mr. & Mrs. Brady:

Enclosed is a "Notice" dated October 16, 1998 concerning your 1998 irrigation questionnaires. The notice was originally mailed to PO Box 475, Gillette, WY. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

NOT TO

Fred D. Brady

Fred D. Brady

1185-1 B-21

Lawrence Co

w/12 1185-1

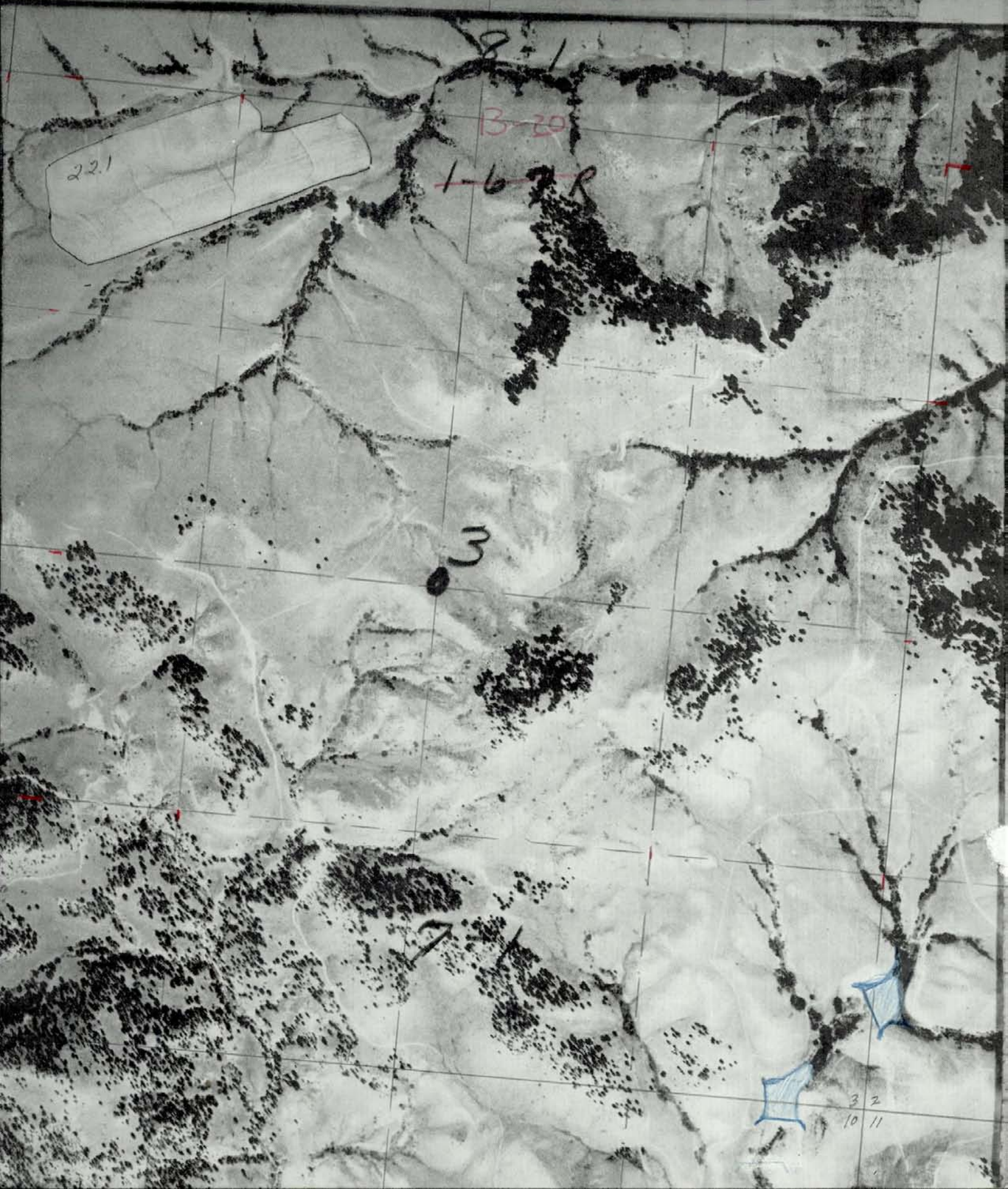
NOT TO SCALE



NOT TO SCALE



NOT TO SCALE





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 25, 2024

1185-1

Donald & Ann Brady
19337 Brady Lane
Spearfish SD 57783

Dear Mr. & Ms. Brady:

I am writing in regard to Water Right No. 1185-1. The water right authorizes diversion 0.38 cfs (approx. 170 gpm) of water from groundwater, one well, completed into the Madison Aquifer, for the irrigation of 22.52 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11; all in T7N-R1E, Butte County, as well as diversion for recreational and fish & wildlife propagation purposes.

In reviewing your 2023 irrigation questionnaire, we have found discrepancies in the amount of water used and have some concerns. Enclosed is a copy of your questionnaire for reference purposes.

Water Right No. 1185-1 allows you to use up to 2 acre-feet (ac-ft) (24 inches) of water, per acre, per year. On the questionnaire you reported substantially more water use. The following information is what was reported and what is authorized:

- 10 acres irrigated
- Reported water use – 208.51 ac-ft of water (approximately 250 inches)
- Authorized water use – 20 acre-feet (10 acres x 2 ac-ft per year)

We realize that water use depends greatly on climactic conditions and may vary year to year. However, it is very rare that irrigators come close to the 24 inches per acre that is authorized. Typical water use is between 8 and 12 inches per acre. The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine whether an aquifer or stream is nearing full appropriation.

If you do in fact apply as much water as claimed on your questionnaire, you are exceeding the limits of your water right and will have to reduce your discharge to stay within the authorized limit. If you simply estimated your water use, we ask that you please ensure the information reported is as accurate as possible. As stated before, the information you provide to us is very valuable. If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: The 2023 irrigation questionnaire you submitted indicated 720 hours of pumping each month, at a rate of 170 gpm for the 7 acres of hay. This 24/7 pumping equates to 347 inches of water being applied to the 7 acres of hay. That is just shy of 30 feet of water applied to each of the 7 acres.

enclosure